

# House Study Bill 75 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
BILL BY CHAIRPERSON OLSON)

## A BILL FOR

- 1 An Act relating to certain fees assessed for activities
- 2 regulated under the federal Clean Air Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.133, subsection 8, paragraph a,  
2 Code 2011, is amended to read as follows:

3 a. (1) Adopt rules consistent with the federal Clean Air  
4 Act Amendments of 1990, Pub. L. No. 101-549, which require  
5 the owner or operator of an air contaminant source to obtain  
6 an operating permit prior to operation of the source. The  
7 rules shall specify the information required to be submitted  
8 with the application for a permit and the conditions under  
9 which a permit may be granted, modified, suspended, terminated,  
10 revoked, reissued, or denied. For sources subject to the  
11 provisions of Tit. IV of the federal Clean Air Act Amendments  
12 of 1990, permit conditions shall include emission allowances  
13 for sulfur dioxide emissions. The commission may impose  
14 fees, including fees upon regulated pollutants emitted from  
15 an air contaminant source, in an amount sufficient to solely  
16 cover, on an annual basis, all reasonable costs, direct and  
17 indirect, required to develop and administer the permit program  
18 in conformance with the federal Clean Air Act Amendments of  
19 1990, Pub. L. No. 101-549, as further defined in subparagraph  
20 (2). Affected units regulated under Tit. IV of the federal  
21 Clean Air Act Amendments of 1990, Pub. L. No. 101-549, shall  
22 pay operating permit fees in the same manner as other sources  
23 subject to operating permit requirements, except as provided in  
24 section 408 of the federal Act. The fees collected pursuant  
25 to this subsection shall be deposited in the air contaminant  
26 source fund created pursuant to section 455B.133B, and shall  
27 be utilized solely to cover all reasonable costs required to  
28 develop and administer the programs required by Tit. V of the  
29 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,  
30 including the permit program pursuant to section 502 of the  
31 federal Act and the small business stationary source technical  
32 and environmental assistance program pursuant to section 507  
33 of the federal Act.

34 (2) Fees assessed under this subsection shall be sufficient  
35 solely to provide for the costs of developing and administering

1 the operating permit program described in this subsection,  
2 which costs are limited to all of the following:

3 (a) Reasonable costs of reviewing and acting upon any  
4 application for such a permit.

5 (b) Reasonable costs of implementing and enforcing the  
6 terms and conditions of any such permit, not including any  
7 court costs or other costs associated with any enforcement  
8 action.

9 (c) Reasonable costs of emissions and ambient air quality  
10 monitoring for any such permit.

11 (d) Reasonable costs of preparing generally applicable  
12 regulations or guidance for any such permit.

13 (e) Reasonable costs of ambient air quality modeling,  
14 analyses, and demonstrations for any such permit.

15 (f) Reasonable costs of preparing inventories and tracking  
16 emissions for any such permit.

17 (3) Fees assessed pursuant to this subsection shall not  
18 be used for costs associated with a construction permitting  
19 program, including general ambient air quality modeling or  
20 monitoring under the program.

21 (4) Fees shall not be assessed for any permitting program  
22 under this subsection when the program exceeds in any way the  
23 requirements of the federal Clean Air Act Amendments of 1990,  
24 Pub. L. No. 101-549.

25 (5) For the fiscal year beginning July 1, 2011, and each  
26 fiscal year thereafter, the Tit. V fee required pursuant to the  
27 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,  
28 shall not be more than fifty-six dollars per ton of regulated  
29 air pollutant emitted from a major stationary source. Fees  
30 shall not be collected for greenhouse gas emissions as defined  
31 by the greenhouse gas tailoring rule adopted by the United  
32 States environmental protection agency.

33 (6) By November 1 of each year, the department shall submit  
34 a report to the general assembly providing information on the  
35 human health and welfare benefit gains during the previous

1 fiscal year as a result of the programs supported by Tit. V  
2 fees, for each applicable air pollutant.

3 EXPLANATION

4 This bill relates to certain fees assessed for activities  
5 regulated under the federal Clean Air Act Amendments of 1990.

6 The bill requires certain fees assessed for regulated  
7 activities under the federal Clean Air Act be sufficient  
8 solely to provide for specific listed costs of developing and  
9 administering the operating permit program. The bill prohibits  
10 fees from being used for costs associated with a construction  
11 permitting program, including general ambient air quality  
12 modeling or monitoring under the program. The bill prohibits  
13 fees from being assessed for any permitting program that  
14 exceeds in any way the requirements of the federal Clean Air  
15 Act Amendments of 1990, Pub. L. No. 101-549.

16 For the fiscal year beginning July 1, 2011, and each fiscal  
17 year thereafter, the bill requires the Title V fee required  
18 pursuant to the federal Clean Air Act Amendments of 1990, to be  
19 not more than \$56 per ton of regulated air pollutant emitted  
20 from a major stationary source. The bill prohibits fees from  
21 being collected for greenhouse gas emissions as defined by the  
22 greenhouse gas tailoring rule adopted by the United States  
23 environmental protection agency. The bill includes annual  
24 reporting requirements for the department of natural resources  
25 regarding the human health and welfare benefit gains during the  
26 previous fiscal year as a result of the programs supported by  
27 Title V fees for each applicable air pollutant.